

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

MICHAEL PYRKA and AL BALNIUS,	:	
individually and on behalf of all others	:	
similarly situated,	:	
Plaintiffs,	:	Consolidated Case Nos. 05-71085,
	:	05-71158,
vs.	:	05-71354
	:	
GENERAL MOTORS CORPORATION;	:	Honorable Nancy G. Edmunds
RICHARD WAGONER, JR.; E.	:	
STANLEY O'NEAL; ARMANDO	:	
CODINA; KENT KRESA; ECKHARD	:	
PFEIFFER; PHILIP A. LASKAWY;	:	
PERCY N. BARNEVIK; NOBUYUKI	:	
IDEI; JOHN F. SMITH, JR.; GEORGE	:	
M.C. FISHER; J. WILLARD MARRIOTT,	:	
JR.; ELLEN J. KULLMAN; JOHN DOES	:	
1-20,	:	
Defendants.	:	
	:	

PRETRIAL ORDER NO. 1

The parties have entered into a Stipulation for entry of an order: (a) consolidating the above-captioned actions; and (b) setting a schedule for the filing by Plaintiffs of a First Amended Consolidated Complaint and for Defendants to answer or otherwise respond to said complaint. In addition, Plaintiffs have filed a motion for the appointment of Co-Lead Counsel and Liaison Counsel for Plaintiffs and the proposed class, which Defendants do not oppose. After carefully considering the Stipulation and the Motion, the Court orders as follows:

1. The above-captioned ERISA actions pending in this District have been consolidated for all purposes pursuant to Federal Rule of Civil Procedure 42(a) (the “Consolidated Action”), with the first filed case, *Pyrka, et al. v. General Motors Corporation, et al.*,

Case No. 05-71085, now pending before the Honorable Nancy G. Edmunds. They shall be hereafter referred to collectively and captioned as *In re General Motors ERISA Litigation*, Master File No. 05-71085.

2. A Master Docket is hereby established for the Consolidated Action. Entries in the Master Docket shall be made in accordance with the regular procedures of the Clerk of this Court.
3. The Court designates Plaintiffs' choice of counsel, Scott + Scott, LLC and Hagens Berman Sobol Shapiro, LLP, to act as co-lead counsel ("Co-Lead Counsel") for Plaintiffs and the proposed class in the Consolidated Action. All documents concerning the Consolidated Action shall be served on:

SCOTT + SCOTT, LLC

David R. Scott, Esq.
Geoffrey M. Johnson, Esq.
33 River Street
Chagrin Falls, Ohio 44022
Telephone: (440) 247-8200
Facsimile: (440) 247-8275

HAGENS BERMAN SOBOL SHAPIRO LLP

Steve W. Berman, Esq.
Andrew M. Volk, Esq.
1301 Fifth Avenue, Suite 2900
Seattle, Washington 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594

4. The Court designates Plaintiffs' choice of counsel, Elwood S. Simon & Associates, P.C., to act as liaison counsel ("Liaison Counsel") for Plaintiffs and the proposed class in the Consolidated Action. All documents concerning the Consolidated Action shall be served on:

ELWOOD S. SIMON & ASSOCIATES, P.C.

Elwood S. Simon, Esq.
John P. Zuccarini, Esq.
355 S. Old Woodward Ave., Suite 250
Birmingham, Michigan 48009
Telephone: (248) 646-9730
Facsimile: (248) 258-2335

5. All documents concerning the Consolidated Action also shall be served on the following counsel for Defendants:

BARRIS, SOTT, DENN & DRIKER, PLLC

Morley Witus, Esq.
211 W. Fort Street, 15th Floor
Detroit, MI 48226
Telephone: (313) 596-9308
Facsimile: (313) 983-3329

KIRKLAND & ELLIS, LLP

Robert J. Kopecky, Esq.
200 East Randolph Drive
Chicago, IL 60601-6636
Telephone: (312) 861-2000
Facsimile: (312) 861-2200

6. Co-Lead Counsel shall have authority over the following matters on behalf of all Plaintiffs in the Consolidated Action:
- a. convening meetings of counsel;
 - b. initiating, responding to, scheduling, briefing, and arguing of all motions;
 - c. determining the scope, order, and conduct of all discovery proceedings;
 - d. assigning such work assignments to other counsel as they may deem appropriate;
 - e. retaining experts;

- f. designating which attorneys may appear at hearings and conferences with the Court;
 - g. conducting settlement negotiations with Defendants; and
 - h. all other matters concerning the prosecution or resolution of the Consolidated Action.
- 7. Co-Lead Counsel shall have authority to communicate with Defendants' counsel and the Court on behalf of Plaintiffs and the proposed class. Defendants' counsel may rely on all agreements made with Co-Lead Counsel, and such agreements shall be binding.
- 8. Co-Lead Counsel also shall cause to be filed by June 3, 2005 a first amended consolidated complaint (the "Consolidated Complaint"). Defendants shall file any answers or motions to dismiss or otherwise respond to the Consolidated Complaint by August 3, 2005. In the event that any motions to dismiss (or any other motion) are filed in response to the Consolidated Complaint, Plaintiffs shall file their response(s) by September 2, 2005. Reply briefs shall be due by September 23, 2005.
- 9. Defendants shall not be obligated to answer or otherwise respond to any complaint filed in the Consolidated Action before the filing of the Consolidated Complaint.

IT IS SO ORDERED

S/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: May 13, 2005

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 13, 2005, by electronic and/or ordinary mail.

S/Carol A. Hemeyer
Case Manager